

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

EDDIE LEE WILSON and
CHESTER JACKSON, SR.,

Plaintiffs,

V.

ROBERT RILEY BAUCOM,
DEPUTY JOHN K. BENNETT,
SHERIFF THOMAS NORSWORTHY,
CITY OF CALDWELL, and
BURLESON COUNTY,

Defendants.

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1:20-CV-311-RP

ORDER

Before the Court is the report and recommendation of United States Magistrate Judge Mark Lane concerning Defendant City of Caldwell's Second Renewed Motion to Dismiss for Failure to State a Claim or, alternatively, Motion for Summary Judgment, (Dkt. 58). (R. & R., Dkt. 79). In his report and recommendation, Judge Lane recommends that the Court grant the motion. (*Id.* at 13). Plaintiffs timely filed objections to the report and recommendation. (Objs., Dkt. 89).

A party may serve and file specific, written objections to a magistrate judge’s findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because Plaintiffs timely objected to the report and recommendation, the Court reviews the report and recommendation *de novo*. Having done so, the Court overrules Plaintiffs’ objections and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the report and recommendation of United States Magistrate Judge Mark Lane, (Dkt. 79), is **ADOPTED**.

IT IS FURTHER ORDERED that the City of Caldwell's Second Renewed Motion to Dismiss for Failure to State a Claim or, alternatively, Motion for Summary Judgment, (Dkt. 58), is **GRANTED**.

Plaintiffs' claims against the City of Caldwell are **DISMISSED WITH PREJUDICE**.

SIGNED on September 30, 2021.

A handwritten signature in blue ink, appearing to read "R. Pitman", is written above a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE